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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SANDRA DE BLANC,

Plaintiff,

v.

ALOHA AIRPORT EXPRESS, a Foreign Limited
Liability Company; does 1 THROUGH 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

Case No.: 2:18-cv-151

**Proposed Order re Aloha Airport Express,
LLC's Motion to Strike Plaintiff's 3rd Rule
26(a)(1) Disclosure [ECF No. 26]**


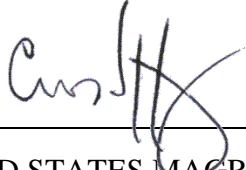
On December 21, 2018 Defendant moved to strike Plaintiff's 3rd Rule 26(a)(1) disclosure as it pertained to Dr. Patel.¹ Plaintiff's response² conceded all of Aloha's points, save one. Plaintiff does not 1) object to excluding Dr. Patel's July 24, 2018 and August 23, 2018 medical records; 2) object to barring Dr. Patel from giving opinion testimony as a non-retained expert; or 3) argue her designation of Dr. Patel as a non-retained expert was appropriate. Plaintiff instead only argued that the October 31, 2018 medical record should be admissible as evidence of ongoing medical treatment. Defendant's reply noted it could agree to that if that is only purpose for the record, and Dr. Patel is not giving opinion testimony.³

¹ ECF No. 26.

² ECF No. 30.

³ ECF No. 33.

Based upon this, Defendant's motion is denied in part to the extent it sought to strike the October 31, 2018 medical record. Defendant's motion is otherwise granted as described in this order.

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|  BY: <u>/s/ Michael P. Lowry</u> MICHAEL P. LOWRY CHRISTOPHER D. PHIPPS 300 South 4 th Street, 11 th Floor Las Vegas, NV 89101-6014 Tel: 702.727.1400/Fax: 702.727.1401 Attorneys for Aloha Airport Express, LLC | THE RICHARD HARRIS LAW FIRM BY: <u>/s/ Ian Estrada</u> IAN C. ESTRADA, ESQ. Nevada Bar No. 12575 E-mail: Ian@richardharrislaw.com 801 South Fourth Street Las Vegas, Nevada 89101-6014 Tel: 702.444.4444 Attorneys for Sandra De Blanc |
| | It is so ordered.  UNITED STATES MAGISTRATE JUDGE DATED: January 28, 2019 |

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on January 25, 2019, I served the **Proposed Order re Aloha Airport Express, LLC's Motion to Strike Plaintiff's 3rd Rule 26(a)(1) Disclosure [ECF No. 26]** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

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| Ian Estrada Richard Harris Law Firm 801 S. 4 th St. Las Vegas, NV 89101 Attorneys for Sandra DeBlanc | |
|---|--|

BY: /s/ Michael P. Lowry
An Employee of

